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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 MARK W. CUTLER,

8 Plaintiff,

9 vs.

10 ISIDRO BACA et al.,

11 Defendants.  
12

3:15-cv-00199-RCJ-VPC

**ORDER**

13 This Court dismissed the Complaint upon screening, without leave to amend, finding that  
14 Plaintiff in alleged medical malpractice, not cruel and unusual punishment. The Court of  
15 Appeals has asked the Court to determine whether *in forma pauperis* status should continue on  
16 appeal. *See* 28 U.S.C. § 1915(a)(3); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

17 **CONCLUSION**

18 IT IS HEREBY ORDERED that *in forma pauperis* status shall not continue on appeal, as  
19 an appeal would be frivolous.

20 IT IS SO ORDERED.

21 Dated this 2nd day of December, 2015.

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24 **ROBERT C. JONES**  
United States District Judge